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May 6, 2021

**VIA ECF**

Honorable Arlene Rosario Lindsay, U.S.M.J.  
United States District Court, Eastern District of New York  
814 Federal Plaza  
Central Islip, New York 11722-4451

**RE: Frank Dalene and Gwen Dalene v. Analar Corp.**  
**Case Number: 19-CV-7035 (DRH)(ARL)**

Dear Judge Lindsay:

We represent Defendant, Analar Corporation (“Analar”), in the referenced action. We respectfully submit this letter motion in accordance with the Order dated April 5, 2021 [D.E. 14], renewing Analar’s previous motion for, *inter alia*, an extension of all discovery deadlines in this matter, on condition that Plaintiffs respond to discovery as directed by the Court and preserving Defendant’s right to file a motion under Rule 41(b), and/or subject to further action by the Court on its April 5, 2021 Order, or as the Court otherwise deems just and proper.

By way of brief background, the Court will recall that in the April 5, 2021 Order [D.E. 14], the Court granted Defendant’s motion to compel and directed Plaintiffs to serve their Rule 26 Initial Disclosures and responses to Analar’s First Set of Interrogatories and First Requests for Production of Documents dated January 9, 2020, pending for over one year, by April 19, 2021. Plaintiffs have not provided their responses to date. While no request for an extension of the Order has been made, Plaintiffs’ counsel indicated on at least three separate occasions since April 19, 2021, that Plaintiffs’ responses would be forthcoming. The latest such representation was made on Wednesday, May 5, 2021, in which counsel advised responses would be served by the end of this week.

Despite Plaintiffs’ failure to adhere to the April 5, 2021 Order, and solely so as not to be deemed delinquent, Defendant respectfully requests that all discovery deadlines be extended to allow Defendant time to review the propriety of Plaintiffs’ disclosures and responses, and conduct discovery in this matter—pending receipt of Plaintiffs’ discovery and reserving Defendant’s right to file a motion pursuant to Rule 41(b) to the extent Plaintiffs continue to fail to meet their obligations under Rule 26 and provide discovery as directed by the Court, and/or subject to the Court’s further action on its April 5, 2021 Order, or as the Court otherwise deems just and proper.



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To the extent Plaintiffs wish to maintain this action and provide discovery herein, Defendant proposes that the last Scheduling Order [D.E. 12] be modified as follows:

September 30, 2021: All discovery, inclusive of expert discovery, to be concluded.  
(Previously March 5, 2021)

October 29, 2021: Any party planning on making a dispositive motion must take the  
(Previously March 19, 2021) first step in the motion process by this date or risk forfeiting the right to make such a motion. Parties are directed to consult the district judge's individual rules regarding such motion practice.

November 19, 2021: Final conference before the undersigned at 1:30 p.m. Meaningful  
(Previously April 6, 2021): settlement discussions will occur at the conference. Clients or other persons with full settlement authority must be available by telephone. Parties are to electronically file a joint proposed pretrial order in compliance with the district judge's individual rules, signed by counsel for each party, prior to the conference.

The undersigned has conferred with Plaintiffs' counsel regarding the proposed new Scheduling Order and he consents to this schedule.

Thank you for your time and consideration of the above.

Respectfully submitted,

KMA ZUCKERT LLC

*/s/ Jennifer Huang*

Jennifer Huang

cc: Lee J. Mendelson, Esq. (VIA ECF)